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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,331	03/28/2001	Ramesh Varadaraj	PM 98.062	4238

7590

07/02/2003

ExxonMobil Upstream Research Company  
P.O. Box 2189  
Houston, TX 77252-2189

EXAMINER

TUCKER, PHILIP C

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 07/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-2

# Office Action Summary

Application No.

819331

Applicant(s)

VARADARAJ

Examiner

P. TUCKER

Group Art Unit

1712

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 4/14/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 3-20, 22-24, 26-83 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 16, 17, 19, 22, 24, 26, 30, 32, 65, 66, 68, 70-74, 77-81, 83 is/are rejected.
- ☒ Claim(s) 3-15, 18, 20, 23, 27-29, 31, 33-64, 67, 69, 73-76, 82 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 16, 17, 19, 22, 24, 26, 30, 32, 65, 66, 68, 70, 71, 72, 77-81, 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Dill (5294353).

Dill teaches a solids-stabilized water in oil emulsion, for use in well treatment, which comprises silica, and diesel as the oil phase. An acid and silica are added to the oil, prior to emulsification (see example 1). Diesel oil is thermally treated, since it is formed from distillation of crude which is thermally treated at temperatures within the scope of the present invention.

3. Claims 1, 16, 17, 22, 24, 65, 66, 77-81, 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Darley (3804760).

Darley teaches a solids-stabilized water in oil emulsion, for use in well treatment, which comprises particles of calcium carbonate, and diesel or kerosene as the oil phase (col. 6,

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lines 14-24). Diesel and kerosene oil are thermally treated, since they are formed from distillation of crude which is thermally treated at temperatures within the scope of the present invention. Claim 83 does not specifically state that the acidizing step is selected, and is thus rejected herein.

4. Applicants arguments have been considered but are not deemed persuasive. In Dill example 1 shows that the oil and hydrochloric acid solution are mixed together, prior to acceleration of the stirrer in order to form the emulsion. Thus the oil was in contact with the acid solution prior to forming the solids stabilized emulsion. Furthermore, in both Dill and Darley, the Diesel oil and Kerosene are both oils, which after thermal treatment in their formation from crude oil have reduced viscosity than the original crude oil. Applicants amendment thus does not distinguish over the prior art of Dill or Darley.

5. Claims 3-15, 18, 20, 23, 27-29, 31, 33-64, 67, 69, 73-76, 82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The **after final** fax no. Is 703-872-9311.

PCT-2836  
June 27, 2003

  
**PHILIP C. TUCKER**  
**ART UNIT 1712**